

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Stephen R. Kay

Group Art Unit: 2837

Serial No.:

10/693,857

Examiner: Jeffrey Donels

Filed:

10-24-03

Atty Dkt No.: KARMA 3.1-003US

Title:

Method and Apparatus for

Customer No.: 39428

Phase-Controlled Music

Generation

Dated: 8-12-2004

CERTIFICATE OF MAILING

I hereby certify that correspondence is being deposited on August 12, 2004 with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Several attached PTO-1449 forms are presented as described below;

Listed on five (5) of the attached forms PTO-1449 are a number of documents which the PTO may consider material to the examination of this application. Each reference in the attached sheets was previously submitted with one or more Information Disclosure Statements filed in one or more of the priority Patent Applications, Serial Nos. 09/966,428 now U.S. Patent 6,693,141; 09/616,210 now U.S.

Serial No.: 10/693,857

Atty Dkt. No.: KARMA 3.1-003US

Customer. No.: 39428

Page 2

Patent 6,326,538 and 09/239,488 now U.S. Patent 6,121,532 or otherwise cited by the Examiner in those applications. Copies of these references are not provided herewith since they have been previously provided in these prior applications. Applicant respectfully requests that these documents be considered by the Examiner, made of record in the present application, and an initialed copy of the Form PTO-1449 be returned in accordance with M.P.E.P. §609.

Also, listed on one (1) of the attached PTO-1449 forms are a number of documents which the PTO may consider material to the examination of this application. Each item of information continue in this IDS was first cited in a search report mailed February 23, 2004 from the European Patent Office, a copy of which is enclosed. Copies these references are provided herewith. Applicant respectfully requests that these documents be considered by the Examiner, made of record in the present application, and an initialed copy of the Form PTO-1449 be returned in accordance with M.P.E.P. §609.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner or as an admission that the information cited is, or is considered to be material to patentability.

This information disclosure statement is being filed under 37 C.F.R.

Serial No.: 10/693,857

Atty Dkt. No.: KARMA 3.1-003US

Customer. No.: 39428

Page 3

§1.97(b)(3) and no fee is believed to be due for filing this Statement. Although it is true

that an Office Action was mailed in this case on May 18, 2004, the Examiner

inadvertently examined the cancelled claims in that Office action. Thus, the Applicant

respectfully asserts that a first Office Action on the merits has not been provided in this

case as of the date of the mailing of this IDS. Nonetheless, the Commissioner, is

authorized to charge any fees or credit overpayments to Deposit Account. No. 50-1886.

Respectfully Submitted,

Brian K. Johnson

3rienles

Reg. No. 46,808

Dated: August 12, 2004

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Form PTO-A820 (also form PTO-1449) **POSCIREVOS**

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SERIAL NO. (617,85) BATTY DOCKET NO. 14ARMA 3.1-002US INFORMATION DISCLOSURE CITATION Stephen R. Kay (Use several sheets if necessary) FILING GROUP 10/24/03 2837 **U.S. PATENT DOCUMENTS** TEXAMBLER FRUNG DATE DOCUMENT NUMBER DATE KAME CLASS SUBCLASS BATTAL FAPPROPRIATE BA 4,915,007 04/19/1990 Wachi et al. **8**} BB 4,930,390 06/05/1990 Kellogg et al. 84 611 4,969,384 11/13/1990 Kawasaki et al. 612 BD 4,998,960 03/12/1991 Rose et al. 662 BE 5,099,738 03/31/1992 Hotz 84 617 08/11/1992 ४५ 5,136,914 Letts et al. 615 84 BG 5,146,833 09/15/1992 Lni 462 BH 5,248,842 09/28/1993 Saito (0) BI 01/25/1994 5,281,754 Farrett et al. 604 10/18/1994 5,357,048 Sgroi 645 BK 5.375.501 12/27/1994 Okuda LII 84 **FOREIGN PATENT DOCUMENTS** TRANSLATION DOCUMENT NUMBER DATE COUNTRY CLASS SUBCLASS NO BL 80 BP OTHER DOCUMENTS (Including Author, Title, Date, Perlinent Pages, Etc.) RR BS **EXAMINER** DATE CONSIDERED "EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not

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considered. Include copy of this form with next communication to applicant.

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LATTY DOCKET NO KARMA 3.1 2223US 10/692.857

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INFORMATION DISCLOSURE CITATION

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